

Yinghe Hu et al.  
Application No.: 10/759,740  
Page 2

PATENT

**Remarks**

Claims 1-20 are pending and stand rejected in the application. The claims remain rejected under U.S.C. § 102(a) as allegedly anticipated by Jiang et al., Anal. Biochem. 316: 34-40, 2003 ("Jiang et al."). Applicants appreciate the Examiner's suggestion that, in order to overcome the rejection, a declaration by the inventors needs to be submitted to establish that the article is describing Applicants' own work.

Enclosed herein is a declaration under 37 CFR § 1.132 executed by the inventors of the subject patent application, Dr. Yinghe Hu and Ms. Cecilia Jiang. In the declaration, the inventors stated that the Jiang et al. publication described precisely the inventors' own work from which the presently claimed invention is derived. It was explained in the declaration that Dr. Hu was the principle investigator in charge of the underlying research project, and that Ms. Jiang conducted the majority of the experimental work and took part in analysis of the resulting data. It was further stated in the declaration that contributions of the other three authors of the paper relate to performing routine experiments under Dr. Hu's supervision or providing some technical assistance.

Thus, the declaration established that the Jiang et al. paper is not a publication "by others" that described the subject invention within the meaning of 35 U.S.C. § 102(a). Accordingly, Applicants respectfully request that the instant rejection be withdrawn.

**Conclusion**

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If a telephone conference would expedite prosecution of this application, please telephone the undersigned attorney at 858-812-1539.

Respectfully submitted,



Hugh Wang, Ph.D.  
Reg. No. 47,163

Customer No.: 29490  
Tel: (858) 812-1539  
Fax: (858) 812-1981